

REMARKS

Receipt of the Office Action mailed March 2, 2006 is acknowledged. Claims 19-22 have been amended. New claim 23 has been added. Support for the amendment and new claim 23 can be found throughout the original disclosure, for example, at page 19, lines 9-13 and page 9, lines 24-27. No new matter is believed to have been added. Entry of the foregoing amendment is respectfully requested because the amendment is believed to place the application into condition for allowance. Upon entry of the amendment claims 19-23 will be pending in the application.

35 USC Section 102(b) Rejection

Claims 20-22 stand rejected under 35 U.S.C. section 102(b) as being anticipated by Byrd (U.S. Patent No. 1,547,562). Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants submit that Byrd fails to teach or suggest the claimed invention for the reasons of record. However, in order to further prosecution applicants have amended the claims to recite the context in which the claimed invention is employed.

That is, the claimed probe tip and probe are part of a larger analyzing apparatus to analyze all or a part of the liquid aspirated into the probe tip as described in U.S. Patent No. 5,174,162 cited throughout the present specification. Such analyzer have a pump for aspirating or dispensing a liquid. Byrd does not teach or suggest the use of the handheld pipette described therein with a pump for creating a partial pressure or vacuum, particularly in the context of an analyzing apparatus. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

35 USC Section 103 Rejection

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Byrd. Reconsideration and withdrawal of the rejection are respectfully requested. Applicants submit that Byrd fails to teach or suggest the claimed invention for the reason set forth above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (732) 524-1496 to clarify any unresolved issues raised by this response.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/CDS0255/TJB. This sheet is submitted in triplicate.

Respectfully submitted,

/Todd J. Burns/

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